

REMARKS

This amendment is submitted concurrently with a Request for Continued Examination (RCE).

Claims 29-51 are pending in this application. Claims 29-47 are amended and claims 48-51 are cancelled herein. Claims 29 and 39 are independent.

The specification and drawings are amended to correct obvious errors. No new matter is added.

Claims 29-31, 33-36, 38-41, 43-45 and 47-50 stand rejected under 35 USC §102(e) as anticipated by Kitsukawa, et al. (U.S. Patent No. 6,282,713). Claims 32, 37, 42, 46 and 51 stand rejected under 35 USC §103(a) as obvious over Kitsukawa in view of Hendricks, et al. (U.S. Patent No. 5,990,927). Claims 48-51 are cancelled, and accordingly the rejection is moot with respect to these claims.

As amended, each of independent claims 29 and 39 now requires that a first application be executed to direct a simultaneous display of a list of products associated with commerce related information received via a broadcast network, with scheduled broadcast video programming. Also required is that based on an end viewer selection of one of the products in the displayed list for purchase, a determination be made as to whether or not product configuration data is required for the selected product and, if so, a second application be executed to direct a simultaneous display of a request for product configuration data for the one product selected for purchase with the display of the broadcast video programming.

It is respectfully submitted that the applied prior art whether taken individually or in combination, lacks any teaching or suggestion of the simultaneous display of a request for configuration data or of the execution of a second application based upon an end viewer's selection of a product in a displayed list of products, for purchase. Accordingly, it is respectfully requested that the rejection of independent claims 29 and 39, along with their dependencies, be reconsidered and withdrawn.

Other features recited in the dependent claims are believed to further distinguish

over the applied prior art.

For example, claim 30 requires that the first application be executed based upon an end viewer selection of an icon simultaneously displayed with the scheduled broadcast video programming. Although it is acknowledged that Kitsukawa discloses the display of a list of products in response to the selection of an icon, it is respectfully submitted that Kitsukawa lacks any teaching or suggestion that the application for directing the display of the product list is executed based on the selection of the icon.

Claim 31 requires that a request for the commerce related information associated with the multiple products in the displayed product list, be transmitted based on the selection of the icon, and received responsive to the directed transmission of the request. It is respectfully submitted that neither Kitsukawa nor Hendricks disclose the transmission of commerce related data via a broadcast network after an end viewer selects a displayed icon indicative of the availability of such information. While it is acknowledged that Kitsukawa discloses the display of the product list based on the end viewers selection of an icon, it is respectfully submitted that Kitsukawa lacks any suggestion that information regarding the products on the list is requested by the end viewer (e.g., the end viewer terminal) or received by the end viewer from, for example, a cable head end, after selection of Kitsukawa's icon.

Claim 35 further requires that the execution of the first application also directs a simultaneous display of a first button for indicating an end viewer desire to purchase a selected product in the displayed list of products, and that in order to select a product for purchase, the end viewer must first select the product from the list and then select the first button to indicate the end viewer's desire to purchase the selected product. Here again, as understood, the applied prior art lacks any teaching or suggestion of such features.

Claim 36 further requires that in addition to the first button, the execution for the first application also directs a simultaneous display of a second button for indicating an end viewer desire to view product configuration data required for a selected product in

the displayed list of products. Also required is that the end viewer first selects another product in the displayed list of products and then select the displayed second button, and that based on the selection of the second button, a request for product configuration data for the other selected product is simultaneously displayed with the scheduled broadcast video programming.

Thus, in accordance with claim 36, if the end viewer wishes to purchase a selected product, a determination is automatically made as to whether or not configuration data is required for the purchase, and if so, the request for configuration data is automatically displayed to the viewer. On the other hand, if prior to deciding whether or not to make a purchase of a selected product, the viewer wishes to review the required configuration data, the viewer can select the second button to review the required configuration data before deciding whether or not to proceed with a purchase.

It is respectfully submitted that the applied prior art lacks any teaching or suggestion of such features.

It is believed to be clear from the above that other limitations recited in the claim 39 dependencies also further distinguish over the applied prior art.

In summary, it is respectfully submitted that claims 29-47, patentably distinguish over the applied prior art.


In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number, in order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, if any further comments, questions or suggestions arise in connection with the application.

To the extent necessary, Applicants petition for an extension of time under 37 CFR § 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account No. 01-2135 (Case No. 1164.41428CC3) and please credit any excess fees to such Deposit

Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

A handwritten signature in black ink, appearing to read 'Alfred A. Stadnicki', with a long, sweeping horizontal stroke extending to the right.

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AAS/slk



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

KAY, et al

Serial No. 09/644,656

Filed: August 24, 2000

For: AUTOMATING COMMERCE ON A BROADCAST PROGRAMMING
DISTRIBUTION NETWORK

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:
: Group Art Unit: 2611
: Examiner: C. Nalevanki
:

REQUEST FOR APPROVAL OF DRAWING CHANGES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 7, 2006

Sir:

Attached hereto for approval are two sheets of drawings, which include Figures 5(a) – 5(d) and each of which includes the legend “Replacement Sheet” in the sheet header. The Replacement Sheets include amendments to Figures 5(b) and 5(d).

A mark-up of Figures 5(b) and 5(d), with the changes shown in red, is also attached.

To the extent necessary, Applicants petition for an extension of time under 37 CFR § 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account No. 01-2135 (Case No. 1164.41428CC3) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

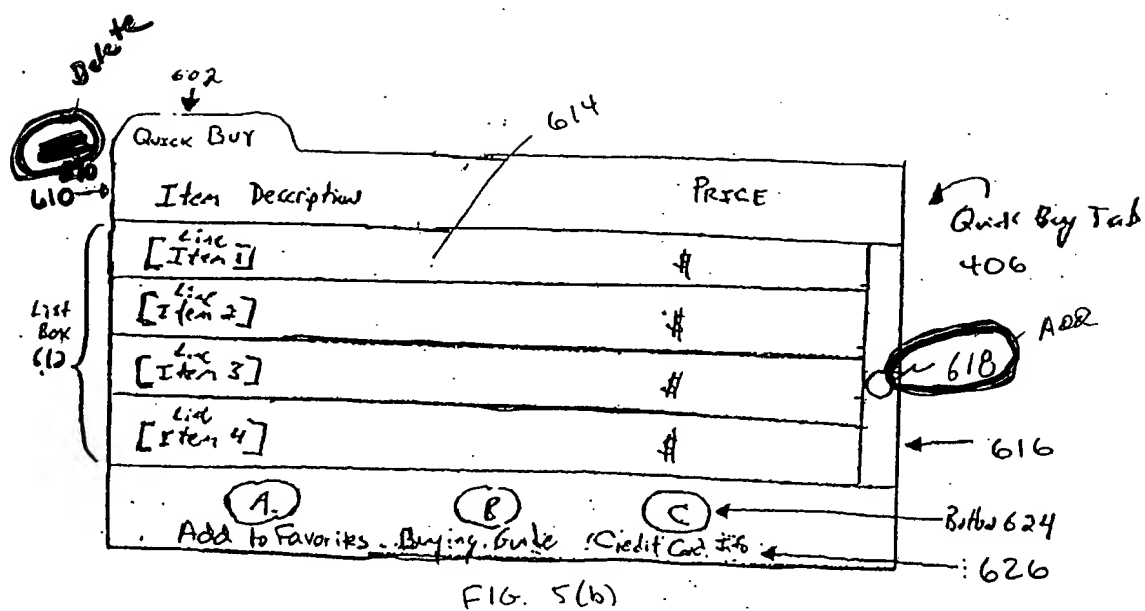
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Enclosures

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FIG. 5(a)



Best Available Copy



Best Available Copy

408 2

Order Confirmation ← 602

616 →

ORDER CONFIRMATION

You have order [item].

Qty	Item	Price
1	[item]	\$ XXX.XX
	TAX	XXX.XX
	Shipping	XXX.XX
	TOTAL	XXX.XX

622 {

(A) (B) (C) ← 624

BACK Call Center ← 626

Fig 5(c)

410 2

Thank you! ← 602

616 →

THANK YOU!

622 {

Return to Programming ← 626

Fig. 5(d)